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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,446	03/20/2007	.Laurent Philippe	282369US6XPCT	8212
22850	7590	11/01/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			NGUYEN, TU MINH	
		ART UNIT	PAPER NUMBER	
		3748		
		NOTIFICATION DATE	DELIVERY MODE	
		11/01/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/561,446

Applicant(s)

PHILIPPE ET AL.

Examiner

Tu M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051220</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Applicant's Preliminary Amendment filed on December 20, 2005 has been entered. Per instruction from the Amendment, claims 1-6 have been canceled. Claims 7-12 have been added and are pending in this application.

Specification

2. The disclosure is objected to because of the non-compliant Arrangement of the Specification. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitahara et al. (U.S. Patent 6,962,045) (Kitahara'045).**

Re claims 7 and 12, as shown in Figures 1, 2, 4, and 17, Kitahara'045 discloses a motorization system and a method for control of said motorization system including a diesel engine (1), an air-intake circuit (2), and an exhaust circuit (10) for exhaust gas originating from the engine, the intake circuit including an adjusting mechanism (5) for controlling flow of air entering the engine and the exhaust circuit including a nitrogen oxides trap (13) for storage of nitrogen oxides (NO_x) contained in the exhaust gases, the method performing a regeneration

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mode to regenerate the nitrogen oxides trap by supplying reducing exhaust gases, the method comprising:

- determining an index value of air flow (target intake air amount) corresponding to an operating point of the engine during the regeneration mode (see Figure 17);
- instructing (step S203) the adjusting mechanism (5) to obtain an air flow close to the index value (also see lines 28-35 of column 6); and
- performing (step S205) a primary and secondary injection of fuel, the secondary injection being performed during an expansion phase and operative to maintain the exhaust gases in the reducing state (see lines 13-27 of column 3).

Re claim 8, in the method of Kitahara'045, the motorization system is provided with an accessory (14) that generates a variable back-pressure in the exhaust circuit, and the air-flow index value is incremented together with the exhaust back-pressure (see at least step S103 in Figure 3, Figure 15, and lines 24-36 of column 5).

Re claims 9-11, in the method of Kitahara'045, the accessory that generates variable back-pressure is a particle filter (14), the air-flow index value being corrected by a factor that is a function of the operating point (Q , N_e) and of the degree of loading of the particle filter (the filter is regenerated when a degree of loading of the filter is high (step S501 has YES answer)), wherein the degree of loading of the particle filter is evaluated by the exhaust-gas flow passing through it and by a pressure difference between the inlet and outlet (see step S12 in Figure 2, Figure 13, and lines 42-57 of column 4), and wherein the degree of loading of the particle filter is evaluated by measuring pressure upstream (using pressure sensor (24)) from the particle filter relative to the exhaust-gas flow.

5. **Claims 7 and 12 are further rejected under 35 U.S.C. 102(e) as being anticipated by Kitahara (U.S. Patent 6,698,185) (Kitahara'185).**

As shown in Figures 1, 2, 4, and 11, Kitahara'185 discloses a motorization system and a method for control of said motorization system including a diesel engine (1), an air-intake circuit (2), and an exhaust circuit (10) for exhaust gas originating from the engine, the intake circuit including an adjusting mechanism (5) for controlling flow of air entering the engine and the exhaust circuit including a nitrogen oxides trap (13) for storage of nitrogen oxides (NO_x) contained in the exhaust gases, the method performing a regeneration mode to regenerate the nitrogen oxides trap by supplying reducing exhaust gases, the method comprising:

- determining an index value of air flow (target intake air amount) corresponding to an operating point of the engine during the regeneration mode (see Figure 11);

- instructing (step S3-3) the adjusting mechanism (5) to obtain an air flow close to the index value (also see lines 5-17 of column 8); and

- performing (step S3-3) a primary and secondary injection of fuel, the secondary injection being performed during an expansion phase and operative to maintain the exhaust gases in the reducing state (see lines 10-31 of column 4).

Prior Art

6. The IDS (PTO-1449) filed on December 20, 2005 has been considered. An initialized copy is attached hereto.

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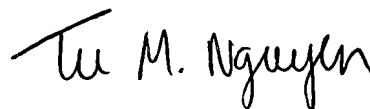
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Gotoh et al. (U.S. Patent 6,209,515), Kitahara (U.S. Patent 6,796,118), Shirakawa (U.S. Patent 7,107,760), and Nakagawa et al. (U.S. Patent 7,121,082) further disclose a state of the art.

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (571) 272-4862.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TMN

October 28, 2007

Tu M. Nguyen

Primary Examiner

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